

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served

Unduplicated Number of Participants. The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	<input type="text"/> based on administrative analysis of available data
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Limitation on the Number of Participants Served at Any Point in Time. Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: (*select one*):

The State does not limit the number of participants that it serves at any point in time during a waiver year.

Reserved Waiver Capacity. The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval.

CMS Technical Guidance

A state may reserve a portion of a waiver's capacity for specified purposes. Reserving waiver capacity means that some waiver openings (a.k.a., "slots") are set aside for persons who will be admitted to the waiver on a priority basis for the purpose(s) identified by the state. If capacity is not reserved, then all waiver openings are considered available to all target group members who apply for waiver services and are eligible to receive

them. Reserved capacity is not available to persons who are not in the state-specified priority population. Examples of appropriate purposes for which capacity may be reserved include (but are not limited to):

- Setting aside capacity to accommodate the community transition of institutionalized persons (e.g., through a “Money Follows the Person” initiative). In this case, reserving capacity ensures that there is waiver capacity available when individuals are ready to transition to the community transition;
- Reserving capacity to accommodate the transition of individuals from other waivers;
- Reserving capacity to accommodate individuals who may require services due to a crisis or emergency; and,
- Providing for the transition of individuals who age out of another waiver or other services (e.g., youth who age out of child welfare services) in order to ensure the continuity of their services.

Capacity may be reserved for more than one purpose. It is not appropriate to reserve capacity to reflect uncertainties about future legislative appropriations for the waiver.

Reserving capacity is only a means to hold waiver openings for the entrance of specific sets of individuals to the waiver. A state may not reserve capacity in a fashion that would have the effect of limiting the number of waiver participants who may access certain types of waiver services and, thereby, result in creating a “waiver within a waiver.” All individuals who enter the waiver must have comparable access to the services offered under the waiver. For example, a state may not reserve capacity in order to limit the number of persons who receive assisted living services in a waiver. A state may not use this feature to control access by certain Medicaid eligibility groups (e.g., by limiting access by the special home and community-based eligibility group (217 group) to 10% of waiver participants). Similarly, capacity may not be reserved to limit the number of waiver participants who may direct some or all of their waiver services.

The State reserves capacity for the following Purpose(s):

Purpose (provide a title or short description to use for lookup): **Transition Youth from Special Education services.** The Transitioning Youth (TY) program supports individuals graduating from the Nebraska public school system who have been determined eligible for DD service and who meet criteria for the HCBS waiver. The purpose is to transition youth from the education system into the adult developmental disabilities system to prevent loss of skills and abilities and to support employment and community integration before skills become dormant.

1. Selection of Entrants to the Waiver. Specify the policies that apply to the selection of individuals for entrance to the

Describe how the amount of reserved capacity was determined:

Reserved capacity for youth transitioning from SPED is based on known number of unfunded 21 year olds which have previously been determined to be eligible for DD services and are on the Registry of Unmet Needs.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	<input type="text"/> known number plus XX more
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

(Additional slots beyond number of known graduates could be based on “old grads” or non-Nebr. Grads)

Purpose (provide a title or short description to use for lookup): Transition Individuals from the Children’s Waiver. The purpose is to transition youth from the Nebraska CDD waiver, education system into the adult developmental disabilities system to prevent a lapse in services and supports.

2.

Describe how the amount of reserved capacity was determined:

Based on known number of 21 year olds currently on the Nebraska CDD waiver, who have previously been determined to be eligible for DD services and are on the Registry of Unmet Needs.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	<input type="text"/> known number plus xx more
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Purpose (provide a title or short description to use for lookup): Transition of institutionalized persons. Eligible individuals requesting to leave a large private or public Intermediate Care facility for the Intellectually/Developmentally Disabled.

Describe how the amount of reserved capacity was determined:

Based on ICD-10 or PASSR known number of individuals living in ICF-IDD or NF for more than 90 days who have previously been determined to be eligible for DD services and are on the Registry of Unmet Needs.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	<input type="text"/> known number plus xx more
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Purpose (provide a title or short description to use for lookup): **Individuals that meet Priority Criteria as defined in 83-1202 (8) (9).** The state reserves capacity for individuals who require waiver supports as determined through an assessment process, specifically individuals who are a Priority 1 for Services as defined in 83-1202 (8)(9).

“(8) The first priority of the state in responding to the needs of persons with developmental disabilities should be to ensure that all such persons have sufficient food, housing, clothing, medical care, protection from abuse or neglect, and protection from harm; and

(9) The second priority of the state in responding to the needs of persons with developmental disabilities should be to ensure that all such persons receive appropriate assessment of their needs, planning to meet their needs, information about services available to meet their needs, referral to services matched to their needs, coordination of services delivered, support sufficient to allow them to live with their natural families or independently, transportation to facilitate access to services, and meaningful habilitation, education, training, employment, and recreation designed to enhance their skills, increase their independence, and improve their quality of life.”

Describe how the amount of reserved capacity was determined:

Based on 2014 and 2015 data for number of individuals requesting immediate services by completing SNA tool and have previously been determined to be eligible for DD services.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	<input type="text"/> data pull plus xx more
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Purpose (provide a title or short description to use for lookup): **Transition of youth receiving CFS-DD Pilot services.** This target group reserves capacity for children under the age of 19 with intellectual disabilities served through the Nebraska Department of Health and Human Services, Children and Family Services leaving a general residential placement.

Describe how the amount of reserved capacity was determined: This target group reserves capacity for youth under the age of 19 with intellectual disabilities served by the Department of Children and Families Services, who are wards of the state leaving a general residential option. The number is determined by the number of youth identified to participate in the initial Permanency Pilot Program.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

3. **Purpose** (provide a title or short description to use for lookup): Court Custody- Individuals receiving DD services as ordered under the DD Court Ordered Custody Act. (the work group was unable to complete this section regarding reserved capacity as it was the work group agreement that the nature of the court custody act makes the services not voluntary in nature and therefore not services that would be covered under the HCBS rules/expectation.

Describe how the amount of reserved capacity was determined: The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	known number
Year 2	0
Year 3	0
Year 4	0
Year 5	0

4. **Purpose** (provide a title or short description to use for lookup):

Describe how the amount of reserved capacity was determined: Past data, eligible for DD services.

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	
Year 2	

Waiver Year	Capacity Reserved
Year 3	
Year 4	
Year 5	

5. **Purpose** (provide a title or short description to use for lookup

Describe how the amount of reserved capacity was determined:

The capacity that the State reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	